

HOUSE JOINT RESOLUTION NO. 31

INTRODUCED BY T. MCGILLVRAY

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY BY THE LAW AND JUSTICE INTERIM COMMITTEE TO EXAMINE MONTANA'S MARRIAGE LAWS.

WHEREAS, the public costs of services for unwed and single parents and grandparents resulting from divorce and unwed childbearing are documented, including but not limited to increased costs for the Department of Corrections, the Department of Justice, Medicaid, Temporary Assistance for Needy Families (TANF), the Children's Health Insurance Program (CHIP), food stamps, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the Low Income Energy Assistance Program (LIEAP), and these public costs are as much as \$100 million annually for the State of Montana; and

WHEREAS, the State of Montana has a compelling state interest in the long-term stability and happiness of marriage for the sake of the health, safety, and natural rights of children; and

WHEREAS, marriage rates since 1980 have fallen from 10.6 per thousand in Montana to 7.6 per thousand, and the number of children born to unwed mothers in Montana has risen from 15% in 1980 to 36% in 2007; and

WHEREAS, the annual ratio of divorces to marriages in Montana has steadily increased from approximately 37% in the 1970s to 48% in 2003, 50% in 2004, 57% in 2005, 59% in 2006, and 65% in 2007; and

WHEREAS, according to a study by the Institute for Marriage and Public Policy, the number of children in single parent households headed by females with incomes under 200% of the federal poverty level in Montana approaches 27,000, disproportionately creating poverty among females and children; and

WHEREAS, Title 40, chapter 3, MCA, sets precedent and process for the state to protect the rights of children and to promote the public welfare by preserving, promoting, and protecting family life and the institution of marriage and to provide means for the reconciliation of spouses and the amicable settlement of domestic and family controversies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

1 That the Law and Justice Interim committee undertake a study of:

2 (1) the Montana Conciliation Law, Title 40, chapter 3, MCA, and its potential applicability to Montana's
3 currently increasing divorce rates through required conciliation procedures assisting spouses through counseling,
4 mediation, or mentoring to reconcile for the sake of minor children;

5 (2) the impact of single and split parenting on children's mental health, teen pregnancy rates, juvenile
6 delinquency rates, physical and sexual abuse, and drug and alcohol use among children, including the effect of
7 poverty rates among single parents and grandparents;

8 (3) unwed cohabitation in Montana and its effect on out-of-wedlock births and the financial benefits that
9 would accrue to the state in reversing trends though public policy, the public and private costs associated with
10 destabilized families, and the problems experienced by children in these destabilized families;

11 (4) the current ratio of marriage versus divorce and related trends in Montana, including the state's role
12 in preserving, promoting, and protecting family life and the institution of marriage through programs designed to
13 promote marriage and preparation of couples for marriage;

14 (5) the current costs to the State of Montana regarding support for the Department of Corrections, the
15 Department of Justice, Medicaid, TANF, CHIP, food stamps, WIC, LIEAP, and other programs that assist primarily
16 women and children outside of intact marriages; and

17 (6) reforms to revise Montana marriage and divorce law to support the state's vested social and financial
18 interest in the permanency of marriage, the stability of the family, and the natural rights of children.

19 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
20 requirements, be concluded prior to September 15, 2010.

21 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
22 comments, or recommendation of the Law and Justice Interim Committee, be reported to the 62nd Legislature.

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